

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
ANDRE M. DAVIS  
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE  
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October 7, 2003

MEMORANDUM TO COUNSEL RE:

Russian Research Center, etc. v. Western Services Corp.  
Civil No. AMD 02-3878

I have carefully reviewed the briefing (including the correspondence) on the outstanding motion to compel and I am not persuaded that the motion should be granted. Frankly, with respect, I find credence in defendant's suggestion (even after full briefing and the supplemental certification) that the motion is in some respects simply incoherent, insofar as I do not discern what more plaintiff wants from the defendant. The shotgun approach leaves much to be desired.\* Moreover, I presume plaintiff is not suggesting that counsel's representation that a document does not exist is to be rejected. As to the "versions" of the software, I do not think defendant's concern over confidentiality of its source code is exaggerated. It strikes me as imminently reasonable to condition the production of interim versions of the source code on the ability of plaintiff's expert(s) to articulate a reason why such material needs to be examined.

The Motion to Compel is accordingly DENIED.

Very truly yours,

/s/

Andre M. Davis  
United States District Judge

AMD:tt

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\*In light of the character of the earlier briefing, the statements in Mr. Hammock's October 1, 2003, letter that agreement had been reached "as to some, but less than all of the outstanding issues" and that "[t]he remaining substantive issues between the parties are unchanged" could not be less helpful.